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EXAMINER

HANNETT, JAMES M

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 09/04/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/291,195

Applicant(s)

NIIKAWA, MASAHIITO

Examiner

James M Hannett

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 6/12/2003 have been fully considered but they are not persuasive. The applicants argument that "the data transmitted from the host computer to the camera cannot reasonably be considered to be within the meaning of a program" is not persuasive. As defined in Merriam Webster's Collegiate Dictionary Tenth Edition A Program is defined as "a sequence of coded instructions that can be inserted into a mechanism (as a computer)". Ueno et al states on Column 11, Lines 49-58 that the camera control unit (18) operates based on commands transmitted from the host computer. The commands are viewed by the examiner as a sequence of coded instructions that can be inserted into a mechanism (as a computer), which defines a program. Therefore, the camera control unit (18) operates based on a program transmitted from the host computer. Because the program is sent to the computer from the memory in the computer, it is viewed by the examiner that the program stored in memory is executed by the camera controller.

As for the argument that "the Ueno patent does not disclose that the camera can access a region created by an image processing apparatus". The applicant acknowledges that in the system described in the Ueno patent, control of where data is stored or read from is determined from the computer side. It is viewed by the examiner and should be noted by the applicant that for examination purposes the Examiner has viewed the image processing apparatus as being the computer as taught in Ueno et al.

As for the applicants argument that the Ueno patent does not teach "if the photographing apparatus is reconnected to the image processing apparatus after disconnect, a reconnection

Art Unit: 2612

process is performed using data stored in a buffer memory of an interface in the photographing apparatus". On Column 18, Lines 38-53 Ueno states that camera control data in the set-up mode is stored in the camera control-parameter memory and in the reception buffer (17D) in the camera. Ueno further states that camera adjustment is performed based on the data in this memory. The examiner notes that a reconnection process is viewed as the process for setup-mode.

The examiner further notes that the claimed invention is broad and has been examined as such. The applicant has pointed out several features in the arguments that distinguish between the cited prior art and the present invention. However, the invention as claimed does not include these limitations and can therefore be rejected based on the broad interpretation by the examiner. Specifically in regards to Claims 13 and 14 the Claim simply specifies a first region for storing a first program, a second region for storing a second program, and a third region. The examiner notes that due to the broad claim and the lack of specifics as to what the programs execute, these claims can be rejected.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1: Claims 1, 3, 4, 6, and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 5,479,206 Ueno et al.

2: As for Claim 1, Ueno et al depicts in Figure 2 the use of an image processing system including a photographing apparatus (10), and an image processing apparatus (30) to which the photographing apparatus (10) and a recording medium (32) can be connected, wherein the photographing apparatus (10) comprises a controller (18) for executing a program stored in the recording medium (32), Column 11, Lines 49-58. The image processing apparatus (30) comprises a processor (31) for creating a region accessible from the photographing apparatus (10), and a controller (31) for causing the program to be stored in the region, Column 13, Lines 10-30; The CPU acts as the controller and the processor and supervises the overall operation of the computer (30). The region accessible to the camera is the region of memory (32) that transfers information to and from the camera, the CPU transfers data to the memory about information pertaining to camera control parameters, therefore, causing a program to be stored in memory.

3: In regards to Claim 3, Ueno et al teaches that the photographing apparatus (10) further comprises an interface (9) for connecting itself to the image processing apparatus (30), Column 11, Lines 52-58 and a buffer memory (17A) is provided to the interface (9), Column 12, Lines 62-65.

4: As for Claim 4, Ueno et al teaches on Column 18, Lines 38-53 that if the photographing apparatus (10) is reconnected to the image processing apparatus (30) after disconnect, a reconnecting process is performed using data stored in the buffer memory (17A). A reconnection process is viewed as the process for set-up mode. The data used to perform the connection process is the data in the reception buffer; the data in the reception buffer is received from the computer when the system is connected together.

5: In regards to Claim 6, Ueno et al depicts in Figure 2, and teaches the use of a photographing apparatus (10) comprising: an image sensor (13), Column 11, Lines 61-62. A memory (17) for recording image data taken by the image sensor (13), Column 12, Lines 62-65 an interface (9) for reading a program for processing the image data recorded in the memory (17) out of an external recording medium (32), and a controller (18) for executing the program read out from the external recording medium (32), Column 11, Lines 53-58. The program for processing the image data is composed of the commands sent to the interface (9), The external recording medium is the memory external to the camera that is included in the computer.

6: As for Claim 8, Ueno et al teaches the use of a photographing apparatus wherein the interface (9) is used to connect the photographing apparatus (10) to an image processing apparatus (30) with which the external recording medium (32) is in connection, Column 11, Lines 48-58.

7: In regards to Claim 9, Ueno et al teaches on Column 19, Lines 62-67 that the image data is processed by the image processing apparatus (30); the image processing apparatus being the computer.

8: As for Claim 10, Ueno et al depicts in Figure 2, the use of an image processing system including a photographing apparatus (10), and an image processing apparatus (30) to which the photographing apparatus (10) and a recording medium (32) can be connected, wherein the photographing apparatus (10) comprises a controller (18) for executing a program recorded in the recording medium (32) connected to the image processing apparatus (30), Column 11, Lines 49-58; and wherein the image processing apparatus (30) comprises a processor (31) for creating a task region in the recording medium (32), the task region being temporarily used to execute the

program, Column 13, Lines 10-30. The task region being the region that stores data for tasks associated with camera control parameters.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9: Claim 15 is rejected under 35 U.S.C. 102(e) as being anticipated by USPN 5,926,208

Noonen et al.

10: As for Claim 15, Noonan et al teaches on Column 4, Lines 30-45 the use of an image processing system including a computer (1002) and a photographing apparatus (1000) connectable to the computer, the computer being connectable to a recording medium storing a program executable by the photographic apparatus, a method of formatting the recording medium, comprising: Creating a first region in the recording medium; The first region is viewed as the memory region in the computer that stores a first compression module. Storing in the first region a program dedicated for execution by the photographing apparatus; Noonan et al teaches that the compression module is sent to the camera for execution by the camera. The first program is viewed as the first compression module that is sent to the camera and is executed by the camera. Creating a second region in the recording medium; storing in the second region a program for execution by the photographing apparatus; The second region contains the second module that is a program that is sent to the camera and is executed by the camera. creating a third region in the recording medium, the third region being temporarily used as a task region during

Art Unit: 2612

execution of the program by the photographing apparatus. The third memory region is viewed as the memory stack described on Column 8, Lines 1-15. It is viewed by the examiner that a memory stack is viewed as a region being temporarily used as a task region during the execution of a program.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**11:** Claim 2, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,479,206 Ueno et al.

**12:** As for Claim 2, Ueno et al teaches the claimed invention as discussed in claim 1. Ueno et al does not teach that the image processing system or computer comprises an indicator for indicating a warning when the image processing apparatus is to be shut down during the access by the camera to the region in memory in the image processing apparatus.

Official notice is taken that it was commonly know in the art at the time the invention was made for operating systems in computers or image processing systems to have an indicator that gives a warning to the user when the computer is to be shut down and other external devices are in communication with the computer. For instance, Microsoft Windows has a dialogue box that opens up when a user tries to shut down a system that notifies the user that a program is currently in operation and allows the user to cancel shutdown until the operation is complete.



Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include an indicator in the image processing apparatus of Ueno et al for indicating a warning when the computer is to be shut down during the access by the camera to the region in memory in the computer, in order to allow the user to cancel shutdown until the operation is complete.

13: In regards to Claim 13, Ueno et al teaches in Figure 2 the use of a photographing apparatus (10) that comprises a controller (18) for executing a program recorded in the recording medium (32) connected to the image processing apparatus (30), Column 11, Lines 49-58. Ueno et al further teaches that the computer (30) can perform several program functions, such as displaying the images to the display (40) and inputting data from the keyboard (36) and mouse. (37). Official notice is taken that it was well know in the art at the time the invention was made to format a memory in a computer so that it was divided into several regions for storing a plurality of programs. It was further well known in the art at the time the invention was made to enable a recording medium to have a region such as a data stack that enables programs to use the memory region temporarily during the execution of a program.

14: As for Claim 14, Ueno et al teaches in Figure 2 the use of a photographing apparatus (10) that comprises a controller (18) for executing a program recorded in the recording medium (32) connected to the image processing apparatus (30), Column 11, Lines 49-58. Ueno et al further teaches that the computer (30) can perform several program functions, such as displaying the images to the display (40) and inputting data from the keyboard (36) and mouse. (37). Official notice is taken that it was well know in the art at the time the invention was made to format a memory in a computer so that it was divided into several regions for storing a plurality of

programs. It was further well known in the art at the time the invention was made to enable a recording medium to have a region such as a data stack that enables programs to use the memory region temporarily during the execution of a program.

**15:** Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,479,206 Ueno et al in view of USPN 6,070,208 Brief.

**16:** In regards to Claim 5, Ueno et al teaches the claimed invention as discussed in Claim 5. Ueno et al does not specifically state that the camera deletes the data stored in its transmit buffer memory when the camera becomes disconnected from the image processing apparatus.

Brief teaches on Column 11, Lines 27-43 that in order to implement a versatile USB connection between two devices, the contents of a buffer are cleared after the time-limit has passed which corresponds to the maximum amount of time a device will wait for data. At this time the device determines that it is disconnected and resets the buffer back to the control word. The resetting of the buffer control word deletes the current setting and therefore deletes the contents of the buffer.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the communications protocol as taught by Brief in the communications link for the system of Ueno et al in order to enable the link to be a versatile USB connection between two devices.

**17:** Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,479,206 Ueno et al in view of USPN 5,809,520 Edwards et al.

18: As for Claim 7, Ueno et al teaches the claimed invention as discussed in Claim 6, Ueno et al teaches the use of a memory (17) for a photographing apparatus (10), but does not teach that the memory can be attachable to and detachable from the photographing apparatus.

Edwards et al teaches on Column 4, Lines 1-8 the use of enabling a photographing apparatus to have memory that is attachable to and detachable from the photographing apparatus so that the memory cartridge can be interchanged with different devices.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the photographing apparatus of Ueno et al to use memory that is attachable to and detachable from the photographing apparatus as taught by Edwards et al, in order to enable the camera to have a memory cartridge that can be interchanged with different devices.

***Allowable Subject Matter***

19: Claims 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

Art Unit: 2612

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Hannett whose telephone number is 703-305-7880. The examiner can normally be reached on 8:00 am to 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-842-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is 703-308-6789.

James Hannett  
Examiner  
Art Unit 2612

JMH  
August 22, 2003

  
WENDY R. GARBER  
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